

Response dated 08/25/2005
Response to Office Action dated 05/26/2005

Application No. 09/814,383

REMARKS

Claims 1-98 and 100-220 are pending. Claims 1-98 and 100-220 stand rejected by the Office Action.

The Applicants thank the Examiner for withdrawing the finality of the Office Action. The Applicants also thank the Examiner for withdrawing the rejections of the claims under 35 U.S.C. 102(b).

Because Claims 1-3, 5, 7-22, 24, 26-41, 43, 45-60, 62, 64-76, 93-97, 101-117, 119, 121-137, 139, 141-158, 160, 162-178, 180, 182-198, 200, 202-218, and 220 are rejected under 35 U.S.C. 103(a), the Applicants interpret the rejections in which the claims are allegedly unpatentable rather than anticipated.

Other Amendments

Regarding claim 1, the Applicants have amended claim to replace "determining" with "receiving" "information" and to replace "inputting" with "receiving" in order to clarify what is being claimed. The amendment is supported by the specification as originally filed, e.g., Figure 1 and Paragraphs 26-35. The Applicants have similarly amended claims 20, 39, 58, 93, 113, 133, 153, 174, and 194.

Claim Rejections – 35 U.S.C. §101

Claims 1-19, 93-98, and 100-112 are rejected under 35 U.S.C. 101 because the claimed invention is directed to statutory subject matter.

The Office Action admits that the rejected claims recite a process that produces a useful, concrete, and tangible result. Moreover, the Applicants have amended the claims to clarify that the recited processes are within the technological arts. Regarding claim 1, the Applicants have amended the claim to be directed to "A computer-implemented method of evaluating the supply base of a supply chain" that includes the steps of "receiving, at a processor of a computer system, information about said supply chain of a user, the user being supplied by at least one individual supplier," "receiving input data, at the processor from an input interface of the computer system, the input data concerning at least one of multiple suppliers in said supply chain," "receiving, at the processor from the input interface from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the

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individual supplier being one of said at least one of multiple suppliers,” “displaying, on a display device, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain,” and “producing, by the processor, an evaluation score for said at least one supplier based on said inputted data.” (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., Paragraphs 26-35 and Figure 1. Claim 1 is thus directed to statutory subject matter because the claim is in accordance with the two-prong test of being within the technological arts and producing a useful, concrete and tangible result.

Similarly, the Applicants have amended independent claim 93 to be directed to “A computer-implemented method” that includes the steps of “receiving, at a processor of a computer system from an input interface, data concerning at least one of a plurality of suppliers,” “receiving, at the processor, information about a supply chain of a user, the user being supplied by at least one individual supplier,” “receiving, at the processor from the input interface from the user, a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier the individual supplier being one of said at least one supplier,” and “generating, by the processor for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier.” Moreover, claims 2-19, 94-98, and 100-112 ultimately depend from claims 1 and 93 and are thus directed to statutory subject matter for at least the above reasons. The Applicants request reconsideration of claims 1-19, 93-98, and 100-112.

Claim Rejections – 35 U.S.C. §103

Claims 1-3, 5, 7-22, 24, 26-41, 43, 45-60, 62, 64-76, 93-97, 101-117, 119, 121-137, 139, 141-158, 160, 162-178, 180, 182-198, 200, 202-218, and 220 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. 5,765,138 (Aycock) in view of U.S. 5,657,460 (Egan).

Regarding claim 1, the Applicants amended the claim to include the features of “receiving, at a processor of a computer system, information about said supply chain of a user, the user being supplied by at least one individual supplier” and “receiving, at the processor from the input interface from the user, a hierarchical identification of a selected hierarchical

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level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers." (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., Paragraph 5. The Office Action admits (Page 4-5, section 6.):

Although Aycock et al teaches producing an evaluation score for a supplier and accessing the databases of the supplier through an interface to view information on performance reports (column 4, lines 206), the reference does not explicitly teach determining a supply chain, inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the at least one multiple suppliers and displaying for at least one hierarchical level, the performance indicators.

The Office Action alleges that (Page 5, section 6.):

Egan et al teaches [a] using an interface to access and track sales, revenue and profit information for a supplier by indicating a region of a supplier to view the information. The user can develop a hierarchical set of displays for sales so an end user can view successively smaller sales regions in the supply chain (column 15, lines 19-40).

Egan does disclose (Column 15, lines 19-40. Emphasis added.):

For example, a manufacturer may use an application program developed using the invention to track sales throughout the USA. **The manufacturer needs to track revenue and profits throughout the country.** The application may display a bitmapped image of the USA (not shown), with the country divided into regions (e.g., Northeast, South, Central, and West). The invention may be used to quickly establish the "health" of sales revenues in each sales region. Unlike the tires 142a-142j in exemplary graphic 140 (FIG. 1), a graphic depicting the USA is not formed of simple rectangles. The invention may be used to color any region having a closed border, including arbitrary polygons having an arbitrary number of sides and angles. The only requirement is that the graphic be a bitmap.

A toolkit according to the invention makes it particularly simple to develop a **hierarchical set of displays for sales**, so that an end user can view successively smaller sales regions. Each region is associated with a graphic. When the user indicates that he or she wishes to see one of the regions broken down into a plurality of smaller regions (e.g., by double clicking on the region), the graphic associated with that region is displayed. Each graphic has its own QLG file structure.

Egan merely discloses tracking sales, by an end user (who is a supplier), to customers in a sales region. However, Egan does not disclose anything about a user (who is supplied by a supplier) obtaining information about a supply chain. Egan does not even suggest the features of

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"receiving, at a processor of a computer system, information about said supply chain of a user, the user being supplied by at least one individual supplier" and "receiving, at the processor from the input interface from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers."

The Applicants similarly amended independent claim 20 to include the features of "receiving information about said supply chain of a user, the user being supplied by at least one individual supplier" and "receiving, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers." Also, the Applicants amended independent claim 39 to include the features of "a module/component receiving information about said supply chain of a user, the user being supplied by at least one individual supplier" and "a module/component receiving, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers." The Applicants similarly amended independent claim 58 to include the features of "a database of information concerning at least one of multiple suppliers in said supply chain of a user, the user being supplied by at least one individual supplier" and "an input interface that receives, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers." Also, the Applicants similarly amended independent claim 93 to include the features of "receiving, at the processor, information about a supply chain of a user, the user being supplied by at least one individual supplier" and "receiving, at the processor from the input interface from the user, a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier." The Applicants also amended independent claim 113 to include the features of "receiving information about a supply chain of a user the user being supplied by at least one individual supplier" and "receiving, from the user, a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier." The Applicants similarly amended independent claim 133 to include the features of "a module/component receiving information about said

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supply chain of a user, the user being supplied by at least one individual supplier" and "a module/component receiving, from the user, a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier." The Applicants also amended independent claim 153 to include the features of "logging into a system that contains data concerning suppliers of a supply chain of a user, the user being supplied by at least one individual supplier" and "receiving, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier the individual supplier being one of the suppliers." Also, independent claim 174, as amended, includes the features of "logging into a system that contains data concerning suppliers of a supply chain of a user, the user being supplied by at least individual supplier" and "receiving, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers." The Applicants similarly amended independent claim 194 to include the features of "a module/component logging into a system that contains data concerning suppliers of said supply chain of a user, the user being supplied by at least one individual supplier" and "a module/component receiving, from the user, a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers."

Claims 2-3, 5, 7-19, 21-22, 24, 26-38, 40-41, 43, 45-57, 59-60, 62, 64-76, 94-97, 101-112, 114-117, 119, 121-132, 134-137, 139, 141-152, 154-158, 160, 162-173, 175-178, 180, 182-193, 195-198, 200, 202-218, and 220 ultimately depend from the above-mentioned independent claims and are thus patentable for at least the above reasons. The Applicants request reconsideration of claims 1-3, 5, 7-22, 24, 26-41, 43, 45-60, 62, 64-76, 93-97, 101-117, 119, 121-137, 139, 141-158, 160, 162-178, 180, 182-198, 200, 202-218, and 220.

Claims 77-92 are rejected under U.S.C. §103(a) as being unpatentable over Aycock and Egan in view of reference "An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities" (James).

Claims 77-92 ultimately depend from claims independent claims 1, 20, 39, and 58. Moreover, James does not make up for the deficiencies of Aycock or Egan, and thus claims 77-

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92 are patentable for at least the above reasons. The Applicants request reconsideration of claims 77-92.

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201, and 219 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Aycock and Egan in view of the official note that it is well known in the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance.

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 ultimately depend from independent claims 1, 20, 39, 58, 93, 113, 131, 153, 174, and 194. Moreover, the Official notice that "it is well known in the state of the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance" does not make up for the deficiency of Aycock and Egan. Thus, claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are patentable for at least the above reasons. The Applicants request reconsideration.

Claim 219 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Aycock and Egan in view of the official note that it is well known in the art of data manipulation to collect data, evaluate it, and then to plot the results to determine any trends.

Claim 219 depends from independent claim 1. Moreover, the Official notice that "it is well known in the art of data manipulation to collect data, evaluate it, and then to plot the results to determine any trends" does not make up for the deficiency of Aycock and Egan. Thus, claim 219 is patentable for at least the above reasons. The Applicants request reconsideration.

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All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: August 25, 2005

By: Kenneth F. Smolik

Kenneth F. Smolik

Registration No. 44,344

BANNER & WITCOFF, LTD.

10 South Wacker Drive

Suite 3000

Chicago, Illinois 60606

Direct Line: 312-463-5419

Facsimile: 312-463-5001